

Serial No.: 09/803,545
Paper Dated: October 26, 2007
Reply to Official Action of April 26, 2007

REMARKS

Status Of Claims

Claims 179 through 210, and 212 through 220 were pending in this application.

Claims 179 through 210, and 212 through 220 stand rejected by the Examiner.

Claims 179 through 182, 187, 191, 192, 195, 198 through 201, 206, 208, 209, 212, 215, and 218 have been amended.

Claims 221 through 226 have been added.

Claims 179 through 210, 212 through 220, and 221 through 226 are now pending in this application.

Listing of Claims

For the Examiner's convenience, a clean copy of the listing of claims, as amended, is attached hereto as Exhibit A.

Rejections Under 35 USC § 103

The Examiner has maintained the rejection of Claims 179-210 and 212-220 as being unpatentable over United States Application Publication No. 2001/0044743 to McKinley (hereinafter "McKinley") in view of LetsTalk.com (hereinafter "LetsTalk"). However, in the "Response to Arguments" section of the most recent Official Action, the Examiner did not address Applicants' arguments directly related to independent Claims 179 and 198. Accordingly, for the Examiner's convenience, Applicants have summarized the arguments below for the Examiner's consideration and response.

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Without conceding to the Examiner's characterizations, and in view of the amendments to independent claims 179 and 198, Applicants respectfully traverse the §103 obviousness rejection and respectfully request reconsideration of the subject application for at least the following reasons.

Applicants respectfully submit that the McKinley and LetsTalk references, when considered either separately or in combination, fail to either teach or suggest at least each of the limitations of Claims 179-210 and 212-220.

Specifically, the Examiner has rejected independent claims 179 and 198 under 35 U.S.C. §103(a) as being unpatentable over McKinley in view of LetsTalk. In this regard, the Examiner has, in part, characterized McKinley as disclosing "receiving a geographic location via the area code and phone exchange." In contrast, Applicants' invention is capable of receiving a geographic location at any level of geographic detail and as specifically as a street address or subdivision of a street address.

By way of clarification, Applicants have amended Claims 179 and 198 to recite:

(c) receiving from said user:

(i) said geographic location of said property wherein said geographic location may be identified as specifically as a street address or a subdivision of a street address
[Emphasis added].

Neither McKinley nor LetsTalk teach or suggest, either individually or in combination, "receiving a geographic location identified as specifically as a street address or subdivision thereof." Thus, McKinley and LetsTalk each fail to disclose a system which may receive geographic data related to the property in question at the level of granularity which Applicants' system is able to accept.

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The Examiner does state that:

It is noted that cell service plans, pagers and their associated service, are associated with geographic market areas which would include street address or a subdivision of a street address, as claimed.

However, Applicants claim more than associating product and service offerings and plans with geographic market areas which include street address or a subdivision of a street address. Applicants claim a method for facilitating the selection of products and services available to a specific geographic location (as specifically defined as a street address or subdivision), wherein the products and services are categorized by a market defined as specifically as a street address or subdivision. It is by identifying the geographic location of a property as well as the geographic market for each product and service at the level of such specificity or granularity (e.g. at the street address or subdivision level), that enables the user of this method to readily identify the products and services available for the particular geographic location. Neither McKinley nor LetsTalk suggest or describe the matching of market to location at such a specific level of granularity. While the methods of McKinley and LetsTalk may be able to receive geographic locations as specifically as a zip code or a state (see LetsTalk), or an area code and phone exchange¹ (see McKinley), neither McKinley nor LetsTalk when considered either individually or in combination, disclose or suggest the level of granularity in identifying the

¹ While it may be possible to determine an approximate geographic location from the area code and exchange of a telephone number, such location would be no more specific than a region, city or town. However, the location identified would not be as specific as a street address or subdivision thereof. In fact, with the advent of cellular telephony, it is even less likely that area codes or exchange numbers could identify a specific geographic location with any level of certainty at all.

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geographic location or the markets associated with the products and services claimed by Applicants.²

Accordingly, Applicants submit that each of independent Claims 179 and 198 are patentable over McKinley in view of LetsTalk. In this regard, Applicants respectfully request reconsideration of the Examiner's rejection of independent Claims 179 and 198 under 35 U.S.C. §103 (a).

In addition, because Claims 180-197 each depend either directly or indirectly from independent Claim 179, and further because Claims 199-220 depend either directly or indirectly from independent Claim 198, the Examiner's rejections of Claims 180-197 and 199-220 are now considered moot in view of the allowability of independent claims 179 and 198, discussed above. Accordingly, the McKinley and LetsTalk references, when considered alone or in combination, fail to render the invention as claimed in Claims 180-197 and 199-220 unpatentable for obviousness under 35 U.S.C. §103 (a). Applicants, therefore, respectfully request reconsideration of the Examiner's rejections of Claims 180-197 and 199-220 under 35 U.S.C. §103 (a).

Also, and for at least the foregoing reasons, Applicants also consider newly presented Claims 221 through 226 to be in condition for allowance.

Official Notice

Applicants have noted that the Examiner continues to take Official Notice with respect to Claims 184, 185, 190, 192, 203, 204, 208, 209. For the reasons previously stated in Applicants'

² Applicants have spent considerable time and resources in developing the method of this invention in order to achieve the level of geographic specificity required by the claims now pending. Applicants are prepared to submit an affidavit to this effect upon the Examiner's request.

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amendment dated February 20, 2007, Applicants respectfully traverse the Examiner's rejections based upon the Official Notice taken. In response to these arguments, the Examiner has stated that:

all online account is managed by the user to pay for his service. For example, I've been managing and paying most of my bills online and the Examiner reiterates that this feature of the claim is old and well known.

However, Applicants claim more than just on-line bill payment service. Applicants' claims are all directed to a novel method for facilitating the selection of products and services available in a specific geographic area. Accordingly, Applicants submit that a proper §103 obviousness rejection would require that the references which are relied upon disclose the feature of the invention and present sufficient motivation to combine such references. Although Claims 185 and 204 recite a user account which, among other features, provides for payment of a product or service, Applicants further submit that the claims in question do not recite an on-line bill payment service alone. Rather, Claims 185 and 204 recite a user account which could comprise many features.

In view of the foregoing, and Applicants' prior arguments, Applicants respectfully traverse the Examiner's taking of Official Notice of the claim limitations set forth in the pending claims. Accordingly, and in the event that the Examiner maintains his rejections based upon Official Notice, Applicants respectfully request that the Examiner produce authority in the form of documentary evidence for the taking of Official Notice in each instance set forth in the Official Action. See MPEP §2144.03.

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Request for Extension of Time

Enclosed is a Request for a three month extension of time to respond to the Official Action issued on April 26, 2007, together with the fee associated therewith.

Request for Reconsideration

In view of the foregoing, Applicants respectfully request that the Examiner reconsider his rejections of the claims now pending and permit the subject application to proceed to allowance.

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

Personal Interview

The Applicants wish to acknowledge, with appreciation, the Examiner's courtesies in granting an interview to discuss this application. The interview is currently scheduled for November 1, 2007, at the United States Patent and Trademark Office.

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CONCLUSION

Wherefore, Applicants believe that all outstanding grounds raised by the Examiner have been addressed and respectfully submit that the present application is in condition for allowance, early notification of which is earnestly solicited.

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment related to this submission to Deposit Account Number 50-0979.

Respectfully submitted,

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John W. Goldschmidt, Jr.
Registration No. 34,828

DILWORTH PAXSON LLP
3200 Mellon Bank Center
1735 Market Street
Philadelphia, PA 19103-7595
Tel. (215) 575-7000
Fax (215) 575-7200

Attorneys for Applicant